

AMENDED IN SENATE MAY 21, 1996

AMENDED IN SENATE MAY 1, 1996

AMENDED IN SENATE APRIL 15, 1996

SENATE BILL

No. 1688

Introduced by Senator Marks

February 21, 1996

An act to add Sections 1524.7 and 1569.159 to the Health and Safety Code, and to amend Section 2881 of the Public Utilities Code, relating to residential care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1688, as amended, Marks. Residential care facilities.

Existing law requires the Public Utilities Commission to design and implement a program whereby each telephone corporation provides a telecommunications device for individuals who are certified as deaf or hearing impaired and a program whereby specialized or supplemental telephone communications equipment may be provided to subscribers who are certified to be disabled. Existing law authorizes the commission to impose a surcharge, until January 1, 1997, to pay for the costs of this program. Existing law requires that certification of disability to be made by a licensed physician and surgeon, or by a qualified state agency.

This bill would extend the authority for the surcharge until January 1, 2001. It would also expand the list of persons who may certify an individual as disabled to include various prescribed licensed healing arts professionals, and would require the telecommunications device to also be provided to

any organization representing individuals who are deaf or hearing impaired as determined by the commission.

Existing law provides for the licensure of residential care facilities and residential care facilities for the elderly by the State Department of Social Services. Existing law makes a violation of these provisions a misdemeanor.

This bill would require the department to provide to residential care facilities and residential care facilities for the elderly a form, containing certain prescribed information, ~~regarding the procedure for a resident notifying the resident that he or she is entitled~~ to obtain services and equipment for the deaf, hearing impaired, or disabled from the telephone company. It would require the facilities to attach the form to each resident admission agreement.

By imposing this requirement on residential care facilities and residential care facilities for the elderly, this bill would change the definition of a crime, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1524.7 is added to the Health and
2 Safety Code, to read:
3 1524.7. The State Department of Social Services shall
4 provide to residential care facilities a form, which the
5 residential care facility shall attach to each resident
6 admission agreement, ~~regarding the procedure for a~~
7 ~~resident~~ *notifying the resident that he or she is entitled*
8 *to obtain services and equipment from the telephone*
9 *company. The form shall include the following*
10 *information:*

1 “Any hearing or speech impaired, or otherwise
2 disabled resident of any residential care facility is entitled
3 to equipment and service by the telephone company,
4 pursuant to Section 2881 of the Public Utilities Code, to
5 improve the quality of their telecommunications. Any
6 resident who has a declaration from a licensed
7 professional or a state or federal agency pursuant to
8 Section 2881 of the Public Utilities Code that he or she is
9 hearing or speech impaired, or otherwise disabled should
10 contact the local telephone company and ask for
11 assistance in obtaining this equipment and service.”

12 This section shall not be construed to require, in any
13 way, the licensee to provide a separate telephone line for
14 any resident.

15 SEC. 2. Section 1569.159 is added to the Health and
16 Safety Code, immediately after Section 1569.158, to read:

17 1569.159. The State Department of Social Services
18 shall provide to residential care facilities for the elderly
19 a form, which the residential care facility for the elderly
20 shall attach to each resident admission agreement,
21 ~~regarding the procedure for a resident~~ *notifying the*
22 *resident that he or she is entitled* to obtain services and
23 equipment from the telephone company. The form shall
24 include the following information:

25 “Any hearing or speech impaired, or otherwise
26 disabled resident of any residential care facility for the
27 elderly is entitled to equipment and service by the
28 telephone company, pursuant to Section 2881 of the
29 Public Utilities Code, to improve the quality of their
30 telecommunications. Any resident who has a declaration
31 from a licensed professional, or a state or federal agency
32 pursuant to Section 2881 of the Public Utilities Code, that
33 he or she is hearing or speech impaired, or otherwise
34 disabled should contact the local telephone company and
35 ask for assistance in obtaining this equipment and
36 service.”

37 This section shall not be construed to require, in any
38 way, the licensee to provide a separate telephone line for
39 any resident.

1 SEC. 3. Section 2881 of the Public Utilities Code is
2 amended to read:

3 2881. (a) The commission shall design and
4 implement a program whereby each telephone
5 corporation shall provide a telecommunications device
6 capable of serving the needs of individuals who are deaf
7 or hearing impaired, together with a single party line, at
8 no charge additional to the basic exchange rate, to any
9 subscriber who is certified as an individual who is deaf or
10 hearing impaired, *as determined and specified by the*
11 *commission pursuant to subdivision (h)*, and to any
12 subscriber that is an organization representing
13 individuals who are deaf or hearing impaired, as
14 determined and specified by the commission pursuant to
15 subdivision ~~(h)~~ (e).

16 (b) The commission shall also design and implement
17 a program whereby each telephone corporation shall
18 provide a dual-party relay system, using third-party
19 intervention to connect individuals who are deaf or
20 hearing impaired and offices of organizations
21 representing individuals who are deaf or hearing
22 impaired, as determined and specified by the commission
23 pursuant to subdivision (e), with persons of normal
24 hearing by way of intercommunications devices for
25 individuals who are deaf or hearing impaired and the
26 telephone system, making available reasonable access of
27 all phases of public telephone service to telephone
28 subscribers who are deaf or hearing impaired. In order to
29 make a dual-party relay system that will meet the
30 requirements of individuals who are deaf or hearing
31 impaired available at a reasonable cost, the commission
32 shall initiate an investigation, conduct public hearings to
33 determine the most cost-effective method of providing
34 dual-party relay service to the deaf or hearing impaired
35 when using a telecommunications device, and solicit the
36 advice, counsel, and physical assistance of statewide
37 nonprofit consumer organizations of the deaf, during the
38 development and implementation of the system. The
39 commission shall phase in this program, on a geographical
40 basis, over a three-year period ending on January 1, 1987.

1 The commission shall apply for certification of this
2 program under rules adopted by the Federal
3 Communications Commission pursuant to Section 401 of
4 the Americans with Disabilities Act of 1990 (Public Law
5 101-336).

6 (c) The commission shall also design and implement a
7 program whereby specialized or supplemental telephone
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1 pursuant to subdivision (d). Until January 1, 2001, the
2 commission shall be authorized to make, within the limits
3 set by subdivision (d), any necessary adjustments to the
4 surcharge to ensure that the programs supported thereby
5 are adequately funded and that the fund balances are not
6 excessive. A fund balance which is projected to exceed six
7 months' worth of projected expenses at the end of the
8 fiscal year is excessive.

9 (g) The commission shall prepare and submit to the
10 Legislature, on or before December 31, 1988, and
11 annually thereafter, a report on the fiscal status of the
12 programs established and funded pursuant to this section
13 and Sections 2881.1 and 2881.2. The report shall include
14 a statement of the surcharge level established pursuant to
15 subdivision (d) and revenues produced by the surcharge,
16 an accounting of program expenses, and an evaluation of
17 options for controlling those expenses and increasing
18 program efficiency, including, but not limited to, all of the
19 following proposals:

20 (1) The establishment of a means test for persons to
21 qualify for program equipment or free or reduced
22 charges for the use of telecommunication services.

23 (2) If and to the extent not prohibited under Section
24 401 of the Americans with Disabilities Act of 1990 (Public
25 Law 101-336), the imposition of limits or other restrictions
26 on maximum usage levels for the relay service, which
27 shall include the development of a program to provide
28 basic communications requirements to all relay users at
29 discounted rates, including discounted toll call rates, and,
30 for usage in excess of those basic requirements, at rates
31 which recover the full costs of service.

32 (3) More efficient means for obtaining and
33 distributing equipment to qualified subscribers.

34 (4) The establishment of quality standards for
35 increasing the efficiency of the relay system.

36 (h) Certification of being deaf, hearing impaired, or
37 disabled, for purposes of subdivisions (a) and (c), shall
38 include a statement of specific need for specialized
39 telecommunications equipment, shall be provided by any

1 of the following licensed professionals acting within the
2 scope of their licenses:

3 (1) Licensed physicians and surgeons and licensed
4 nurse practitioners for individuals with hearing,
5 speech-language, voice, cognitive, vision or mobility
6 impairments.

7 (2) Licensed audiologists for individuals with hearing
8 impairments.

9 (3) Licensed speech-language pathologists for
10 individuals with speech-language, voice or cognitive
11 impairments.

12 (4) By a qualified state or federal agency as
13 determined by the commission.

14 (5) Licensed optometrists for individuals with visual
15 impairments.

16 (6) Licensed chiropractors, physical therapists,
17 occupational therapists, or podiatrists for individuals with
18 mobility impairments.

19 (i) In order to continue to meet the access needs of
20 individuals with functional limitations of hearing, vision,
21 movement, manipulation, speech and interpretation of
22 information, the commission shall perform ongoing
23 assessment of, and if appropriate, expand the scope of the
24 program to allow for additional access capability
25 consistent with evolving telecommunications
26 technology.

27 ~~No~~

28 *SEC. 4. No reimbursement is required by this act*
29 *pursuant to Section 6 of Article XIII B of the California*
30 *Constitution because the only costs that may be incurred*
31 *by a local agency or school district will be incurred*
32 *because this act creates a new crime or infraction,*
33 *eliminates a crime or infraction, within the meaning of*
34 *Section 17556 of the Government Code, or changes the*
35 *definition of a crime within the meaning of Section 6 of*
36 *Article XIII B of the California Constitution.*

37 *Notwithstanding Section 17580 of the Government*
38 *Code, unless otherwise specified, the provisions of this act*

1 shall become operative on the same date that the act
2 takes effect pursuant to the California Constitution.

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